

REMARKS

The Office examined claims 1-14 and 16-25, and all claims are rejected. With this response claims 1, 13 and 21 are amended to particularly point out and distinctly claim the invention. The amendments to claims 1, 13, and 21 are intended to clarify the limitations recited in those claims, and are not believed to be necessary to distinguish the claims from the cited references. Since the amendments are intended to clarify claims 1, 13 and 21, the amendments are fully supported by the specification as originally filed.

Applicant respectfully requests reconsideration of the rejections in light of following discussion. This response is submitted along with a Request for Continued Examination (RCE).

The independent claims are claims 1, 13, 16, 21 and 24.

Claim Rejections Under § 102

On page 3 of the Office Action claims 1-4 and 16-20 are rejected under 35 U.S.C. § 102(e) as anticipated by Rachabathuni et al. (U.S. Patent No. 6,628,938). Independent claim 1 has been amended to clarify that properties related to at least one of a number of different types of data connections accessible from a device are obtained, i.e. that the device is capable of supporting a number of different data connections. Claim 1 is further amended to clarify that a configuration of an application is adapted in accordance with obtained properties of one of said number of different types of data connections. Therefore, the amendments further reinforce that Rachabathuni at least fails to disclose or suggest that the configuration of an application on the terminal device may be adapted in accordance with obtained properties of a data connection, as recited in claim 1.

Rachabathuni teaches a method of selecting an application in a wireless device based on messages received from a wireless station that are specific to services provided by the wireless station. See Rachabathuni Abstract. In the application selection method taught by Rachabathuni it is an object of the method to check the availability or desirability of running an application. See Rachabathuni column 2, lines 18-20. Rachabathuni focuses on selecting applications in wireless devices, and does not disclose or suggest adapting the configuration of an application on a terminal device in accordance with properties of at least one data connection, as recited in claim 1. In contrast in Rachabathuni, the selection of which application to run in a wireless device is based on a signal from a wireless station, for example the wireless stations can be

wireless beacons 5 that continuously broadcast beacon signals. See Rachabathuni column 5, lines 64-65. In response to a beacon signal, the wireless device determines if the application identified by the beacon signal is active. See Rachabathuni column 6, lines 29-30. The inactive application may be activated if desired, and received data may then be passed to the activated application, however the configuration of the application is unaffected. See Rachabathuni column 6, lines 34-37. Furthermore, not even the activation of the application is based upon obtained properties of at least one data connection, because Rachabathuni does not discuss activation of application with respect to the type of data connection. In addition, application specific messages only pertain to different messages actually transmitted, and do not represent a property of a data connection. The system disclosed by Rachabathuni has the effect of causing wireless devices to quickly change applications, but the configuration of an application on a terminal device is not adapted in accordance with properties of at least one data connection, as recited in claim 1. See Rachabathuni column 2, lines 57-60. Therefore, Rachabathuni fails to disclose or suggest all of the limitations recited in claim 1, and claim 1 is patentable over Rachabathuni.

Claims 2-12 ultimately depend from independent claim 1, and are patentable over Rachabathuni at least in view of their dependencies.

Independent claim 13 contains limitations similar to those recited in independent claim 1, and is rejected for the same reason as claim 1. Therefore for at least the reasons discussed above in relation to claim 1, claim 13 is not disclosed or suggested by Rachabathuni.

Claim 14 depends from independent claim 13, and is patentable over Rachabathuni at least in view of its dependency.

Independent claim 16 is also not disclosed or suggested by Rachabathuni, because Rachabathuni fails at least to disclose or suggest a configuration server, responsive to a selection signal, for selecting a specific data connection for at least one application, as recited in claim 16. As discussed above in relation to claim 1, Rachabathuni only teaches selecting an application in a wireless network based on a message received from a wireless station. Rachabathuni does not disclose or suggest that a specific data connection is selected for an application based on a selection signal, and instead only provides that an application is selected. Furthermore, the Office asserts on page 2 of the Office Action that Rachabathuni discloses an application server configured to download applications to the wireless device, and packet transmission protocol

described therein is added data to an existing protocol. However, the application server 8 is only configured to download applications to the wireless device. See Rachabathuni column 4, lines 66-67. Downloading has nothing to do with selecting a specific data connection for at least one application, as recited in claim 1. Therefore, for at least the reasons discussed above Rachabathuni fails to disclose or suggest all the limitations recited in claim 16, and claim 16 is patentable over Rachabathuni.

Claims 17-20 ultimately depend from independent claims 16, and are patentable over the cited references at least in view of their dependencies.

#### Claim Rejections Under § 103

In section 3, on page 6 of the Office Action claims 21-25 are rejected under 35 U.S.C. § 103(a) as unpatentable over Rachabathuni in view of Focsaneanu et al. (U.S. Patent No. 5,828,666). Claim 21 contains limitations similar to those recited in claim 13, and therefore for at least the reasons discussed above with respect to claim 13, Rachabathuni does not disclose or suggest all of the limitations cited by claim 21. Therefore, for at least this reason claim 21 is not disclosed or suggested by the cited references, alone or in combination, because the cited references fail to disclose or suggest all of the limitations of claim 21. Furthermore, there is no motivation to combine Rachabathuni and Focsaneanu because the motivation asserted by the Office is irrelevant with respect to the claim 21. Claim 21 relates to adapting a configuration of at least one application according to obtained properties of at least one data connection, and is not directed to the assertions made by the Office on pages 7 and 8 of the Office Action with respect to the motivation to combine the cited references. Therefore, even if the cited references disclosed the limitations recited in claim 21, which they do not, there is no motivation to combine the cited references.

Claims 22 and 23 ultimately depend from independent claim 21, and are patentable over the cited references at least in view of their dependencies.

Claim 24 contains limitations similar to those recited in claim 16, and therefore for at least the reasons discussed above with respect to claim 16, Rachabathuni does not disclose or suggest all of the limitations cited by claim 24. Furthermore, the cited references, alone or in combination, do not disclose or suggest all of the limitations of claim 24, because the cited references at least fail to disclose or suggest means, responsive to a selection signal, for selecting

a specific data connection for at least one application, as recited in claim 24. In contrast, Focsaneanu only discloses that an identifying circuit identifies a service request as either plain old telephone service (POTS) or data service. See Focsaneanu column 7, lines 65-67. The selection of a service is based upon a service request, and the service selected is not based on an application, as recited in claim 24. See Focsaneanu column 8, lines 12-15 (a controller 252 analyzes the contents of a data connection request to identify the service requested). Therefore, for at least the reasons discussed above, claim 24 is not disclosed or suggested by the cited references.

Claim 25 depends from claim 24 and is patentable over the cited references at least in view of its dependency.

#### Conclusion

The rejections of the Office Action having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested, and passage to issue of the present application is earnestly solicited. The undersigned believes that no additional fee is required to submit this response, but hereby authorizes the Commissioner to charge deposit account 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,



Keith R. Obert  
Attorney for the Applicant  
Registration No. 58,051

Date: 19 December 2006

KRO/kas  
Ware, Fressola, Van Der Sluys & Adolphson LLP  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
(203) 261-1234  
Customer No. 004955